

Docket No. F-8812

Ser. No. 10/552,752

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 25, 28-39, 42-45 and 47-50 are pending and under consideration. Claims 35 and 48 are amended herein. Claims 25 and 48 as amended find support, for example, in Figures 1, 2 and 4. No new matter has been added to the specification in view of these amendments.

Claims 25, 28-39, 42-44 and 47 are rejected under 35 U.S.C. § 102 (b) as anticipated by Imburgia, U.S. Patent No. 5,750,184. Claims 45, 48, and 50 are rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown, WO 01/56618. Claim 49 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown, and further in view of McCormick, U.S. Patent No. 5,824,553. Applicants respectfully submit that these rejections are overcome for the following reasons.

Claim 25 now provides that the channel covers substantially all of the surface area, including the length and width of the first member of the testing apparatus but for a surface portion of the first housing part. This language is also added to claim 48 in the present paper. By adding this language, Applicants have accepted the Examiner's invitation to amend the claims to describe the coverage of the channel in this way. See Office Action page 14. This arrangement is not shown in Imburgia. Accordingly, it is believed that the section 102(b) rejection of claims 25, 28-39, 42-44 and 47 based on Imburgia is overcome and these claims are now in condition of allowance.

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Also, Imburgia does not disclose the limitation in claim 25 providing that "the supply line [is] comprised of a channel located between a sidewall of the *first housing part* and at least one ridge positioned on the interior of the *first housing part*" (Emphasis added). Thus, the first housing part is provided with a sidewall and a ridge that cooperate to provide a channel for a sterilizing medium. It would seem that the analysis of Imburgia with respect to this limitation does not account for this difference. The Office Action contends that the channel is defined by the sides of first member 16 and second member 18 of Imburgia, which second member 18 provides the inwardly facing ridge. This is at odds with the claimed invention, since it must be the first member that has the ridge, not the second member, as is the case with Imburgia. Furthermore, there is no indication in Imburgia that an inwardly facing ridge is provided on member 18. In fact, the inwardly facing side of member 18 is flat and planar, which contradicts the allegation that there is a ridge on Imburgia's member 18.

It is apparent that in the present invention, the side wall and the ridge are provided on a single housing part, which is designated the first housing part in the claims. In contrast, it is seen that Imburgia is only provided with a sidewall, and does not have a ridge, which defines a tortuous path 36, (or 136, as shown in certain figures) and channel 36a.

Applicants further submit that the rejection of claims 45, 48 and 50 under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown is overcome. Independent claim 48, like claim 25, recites that the channel covers substantially all of the surface area, including the length and width of the first member of the

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testing apparatus but for a surface portion of the first housing part. With this new addition to the claim, it is submitted that claim 28 is in condition of allowance.

Independent claim 48, like claim 25, further recites that "the supply line [is] comprised of a channel located between a sidewall provided on an outer side of the first housing part and at least one inwardly facing ridge provided on the second housing part". As indicated above, Imburgia does not show an inwardly facing ridge provided on the second housing part. Brown is cited to allegedly cure this deficiency. The Examiner indicates that components 32 and 26 cooperate to teach this limitation (Office Action page 10). However, components 32 and 26 are not superimposed over each other as is the case with the claimed subject matter. In any event, claim 48 were previously amended to indicate that upon superimposing the first and second housing parts, the first and second housing parts share an edge at a housing perimeter. Thus, as amended before, claim 48 is believed to traverse the section 103 rejection.

Claim 49 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia, Brown, and further in view of McCormick. Claim 49 is directed to the embodiment of Fig. 9, in which the first housing part is inserted into a box-shaped second housing part, with a sealing mat positioned between a top surface of the first housing part and a bottom of the top surface of the second housing part, the mat providing a seal between the first and second housing parts. The combination of Imburgia, Brown, and McCormick does not disclose the claimed arrangement. Accordingly, claim 49 is believed to be patentable over the cited references.

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For the foregoing reasons, it is believed that all claims now under consideration are in condition of allowance.

REQUEST FOR EXTENSION OF TIME

Applicants respectfully request a one month extension of time for responding to the Office Action. The fee of \$75.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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